

**REMARKS**

The application contains Claims 21-44. In response to a Restriction Requirement, Claims 29-36 and 44 were withdrawn from consideration. Claims 21-28 and 37-43 stand rejected under 35 USC §103. This rejection is respectfully traversed.

Claim Objections

Claim 1 has been objected to because the claim was not directed to a single statutory class of invention, in that the claim was directed toward a machine and a process. As directed by the Examiner, Claim 21 has been amended so that the structure of the snow-trail grooming machine has been included in a "providing" step in the method claim.

Withdrawal of the objection is respectfully requested.

Rejections Under 35 USC §103

Claims 21-28 and 37-43 stand rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 4 127 949 to Sabrowsky et al. in view of U.S. Patent 6 591 593 to Brandon et al. This rejection is respectfully traversed.

In order to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)

Sabrowsky et al. discloses a snowmobile trail groomer having an elongated mainframe, an elongated dual endless track drive assembly supported on the rear end portion of the frame, a ski assembly carried by the front end portion of the frame

and an elongated longitudinally extending sub-frame. The rear end portion of the sub-frame includes transversely spaced snow cover working tines and an upstanding transverse blade member rearward of the tines including a generally horizontal lower edge portion. A lift structure is operatively connected between the sub-frame and the main frame for selective angular displacement of the sub-frame and thus the tines and blade member relative to snow cover over which the main frame is advanced by the drive assembly. Sabrowsky et al. does not disclose a central processing system for controlling means for distributing means for driving power, nor does it disclose the step of prioritizing one of the chain or track drive, further consumers or groups of further consumers in a changeable way. Sabrowsky et al. further does not disclose a method including the step of distributing the driving power in dependency of the prioritizing step.

Brandon et al. '593 discloses an electric riding mower which integrates an electric generator and inverter driven by an internal combustion engine. The electric riding mower includes an operator/drive with an electric motor driving each of the two wheels, a mowing deck that has electric motors driving the cutting blades and a motor for raising/tilting the deck. A computer communicates with each of the controllers for the motors and the generator/inverter and processes the data necessary to coordinate the drives. Brandon does not disclose the step of prioritizing one of the chain or track drive, further consumers or groups of consumers in a changeable way, nor does Brandon et al. disclose distributing the driving power in dependency of the prioritizing step. There is no disclosure by Brandon et al. of a prioritizing of any type by the computer.

In response to the rejection, applicant asserts that there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of

ordinary skill in the art, to combine the reference teachings. The devices disclosed by Sabrowsky et al. and Brandon et al. are unrelated, and there is no reason that one of ordinary skill in the art would seek to incorporate the controllers of Brandon et al., which uses a plurality of electric motors for each of the elements of the system, the electric motors being controlled by the central computer, with the mechanical/hydraulic system of Sabrowsky et al., wherein the track drive is mechanically connected to the motor and the hydraulic adjustment of the grooming assembly is powered by a hydraulic pump also driven by the motor.

Even if the combination was made, however untenable, the combination does not teach or suggest all of the claim limitations. Neither Sabrowsky et al. nor Brandon et al. discloses the step of prioritizing of one of the chain or track drive, further consumers and groups of further consumers in a changeable way, nor do they teach the step of distributing the driving power in dependency on the prioritizing step, as required by Claim 21. Sabrowsky et al. and Brandon et al. further do not disclose a snow trail grooming vehicle comprising a central processing system for controlling means for distributing driving power, wherein said central processing system has means for specifying a changeable prioritizing of at least one of the chain or track drive and the further consumers of driving power, as required by independent Claim 37.

Specifically, Brandon et al. does not disclose the step of changeably and selectively prioritizing one of the chain or track drive and further consumers. Brandon et al. does disclose in column 1, line 64 to column 2, line 7 that the maximum allowable speed for the blades can be set at ANSI standards as a threshold. However, this does not include a prioritizing step among the different consumers of power. Setting a threshold value for the maximum blade speed can

guarantee that the blade speed does not exceed the allowable maximum. However it does not guarantee that there will always be enough power available for the blade motor to keep the blades at the maximum allowable speed. Further, there is no disclosure in Brandon et al. that sufficient power will be available for the blade speed independent of the settings on the wheel drive. For instance, as shown in Figure 2 of Brandon et al., the wheel drive is commanded by a joist stick, but there is no indication that the control signal of the joist stick might be overridden in instances when there is insufficient power available to achieve the desired wheel speed due to the prioritization of another consumer. For example, if the lawnmower in Brandon et al. drives up a steep hill, there is no disclosure that sufficient electrical power will be distributed to the wheel drives to achieve the set wheel speed, nor is there any indication that the blade speed will be maintained at the maximum allowable. There is no disclosure in Brandon et al. with respect to prioritizing the various functions controlled by the computer. In contrast, applicant's disclosure demonstrates that a prioritization between the track drive and further consumers of driving power can prevent the snow trail grooming vehicle from becoming stuck, such as on a steep slope, wherein the prioritization can be set to provide power to the track drive, in preference to the other consumers of drive power.

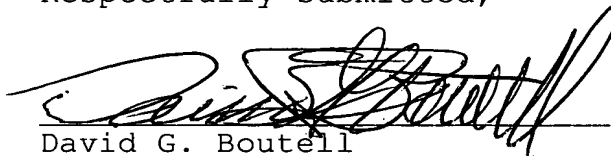
The Examiner's indication that Brandon et al. discloses a device, wherein the following methods for controlling a vehicle are inherent, is without basis, and improperly reads into the Brandon et al. disclosure information not known to one of ordinary skill in the art, but only available now based on applicant's disclosure.

In light of the foregoing, applicant asserts that Claims 21 and 37 are patentable over the cited references. Claims 22-28 and 38-43 depend from Claims 21 and 37, are believed

allowable therewith, and include additional features which further distinguish over the above references.

Withdrawal of the rejections, and reconsideration of the claims, is respectfully requested. In light of the foregoing, the claims are considered in condition for allowance, and early notice of allowability is courteously solicited. If necessary to further prosecution of the application, the Examiner is invited to contact applicant's representatives listed below.

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